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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,686	10/29/2001	Constantine N. Anagnostopoulos	83230AEK	9910

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[REDACTED] EXAMINER

GRENZYNISKI, MICHAEL E

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

1774

DATE MAILED: 03/13/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/045,686	ANAGNOSTOPOULOS ET AL.
	<b>Examiner</b> Michael E. Grendzynski	<b>Art Unit</b> 1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 January 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 7-9, 11-19 and 24-31 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6, 10 and 20-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I, Species "a" in Paper No. 4 is acknowledged. The traversal is on the ground(s) that the suggested alternative use for the medium is impracticable, and that there is no apparent alternative use for the media. This is not found persuasive because the inventions are capable of supporting separate patents and have been shown to be distinct. In addition to being capable of use in a method of gift-wrapping, the material is capable of use in methods wherein the jettable material is not an imaging colorant (e.g., adhesives, biological materials, etc). Applicants, furthermore, appear to be arguing that the inventions are obvious over each other. If such is the case, please state clearly for the record that such is the case, and the restriction requirement will be withdrawn.

The requirement is still deemed proper and is therefore made FINAL. Applicants are correct in noting that, should the inventions meet the requirements of MPEP § 821.04, they would be subject to rejoinder.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 10 and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Ylitalo et al. (WO 99/55537). Applicants claim a medium including an array of three-dimensional cells composed of hydrophobic cell walls and a hydrophilic base, wherein the cell walls comprise a material that is capable of being fused. Ylitalo discloses a receptor medium comprising an embossed imaging surface.

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*See Abstract.* The embossed surface comprises an array of cavities having walls and a base. *See p 10, ll 19-22 and FIG. 1.* The cells are formed by embossing a plastic film such as polyester. *See p 13, l 24 through p 14, l 8.* Polyester is a material listed by applicants on page 9 of the application as being capable of fusing. Ylitalo further discloses that a surfactant is imbibed into the recessed surfaces of the cavities in order to improve the ink-receptive property (i.e., the hydrophilic property) of the medium. *See p 14, ll 9-25.* Consequently, the cell walls are composed of a hydrophobic material that is capable of being fused and the cell floors are hydrophilic, being treated with a hydrophilic coating. With regard to claims 2-3, Ylitalo discloses that its pattern may be a regular (repeating) or irregular pattern. *See p 7, ll 10-11.*

With regard to claims 4 and 6, Ylitalo discloses that its cavities comprise hemispherical or cubic cavities. *See p 12, ll 10-15.*

With regard to claim 5, Ylitalo discloses that its cavities are packed closely together (i.e., at a distance of 10  $\mu\text{m}$  or less). *See p 31, ll 17-22.* Examiner considers this value to be "substantially no space" between the cavities.

With regard to claim 10, since the cell walls comprise the identical material used by Ylitalo (e.g., polyester), it is inherent the walls possess this property.

With regard to claim 20, Ylitalo discloses that its cavities possess a height and width and volume values (volume) within applicants disclosed values. *See p 5, ll 4-5 and ll 20-30.* Consequently, it is inherent that the cells, when fused, would provide the claimed overcoat thickness.

With regard to claims 21-23, Ylitalo discloses that its cells comprise materials such as polyesters (a condensation polymer) and polyolefins. *See p 13, ll 24-28.*

The limitations of the claims are met by the disclosure of the reference.

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E. Grendzynski whose telephone number is 703-305-0593. The examiner can normally be reached on weekdays, from 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 703-308-0449. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-5408 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2351.

*Bruce H. Hess*

*Michael C. Grendzynski*

Michael E. Grendzynski  
Assistant Examiner  
March 6, 2003

BRUCE H. HESS  
PRIMARY EXAMINER